

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIGMOUTH LLC,

Plaintiff,

v.

AUKEY INTERNATIONAL LTD.,

Defendant.

Civil Action No. 17-cv-10212-DPW

AFFIDAVIT OF COUNSEL

I, Morgan T. Nickerson, an attorney admitted to practice law before the courts of the Commonwealth of Massachusetts, being of legal age, on oath, say of my own knowledge:

1. I am an attorney at the law firm of K&L Gates LLP in Boston, Massachusetts.
2. I am the counsel of record for Plaintiff BigMouth LLC (“BigMouth”), in the above-captioned action.
3. I have reviewed the Federal Rules of Civil Procedure, Local Rules, and the Court’s Standing Order Regarding Motions for Default Judgment [DN 10] and submit this affidavit in compliance therewith.
4. To the best of my information and belief, Defendant Aukey International Ltd. is not a “[person] in military service as defined in the “Servicemembers Civil Relief Act,” as set forth in 50 U.S.C. App. 501 *et seq.*
5. To the best of my information and belief, Defendant is not an infant or incompetent person.
6. Having pleaded and upon default established claims for counterfeiting in violation of 15 U.S.C. § 1114 (Count I) and unfair competition under the 15 U.S.C. § 1125 (Count II), BigMouth has elected to recover statutory damages.

7. While BigMouth is entitled to up to \$2,000,000.00 for each willful use of a counterfeit mark by Defendant, BigMouth seeks \$200,000.00 in statutory damages under 15 U.S.C. § 1117(c)(1) instead of actual damages.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 22nd DAY OF JUNE, 2017.

/s/ Morgan T. Nickerson

Morgan T. Nickerson

CERTIFICATE OF SERVICE

I, Morgan T. Nickerson, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and copies will be sent as indicated below to the parties indicated as non-registered participants:

Via E-mail

Aukey International Ltd.
ditan2233@gmail.com
dinglili1122@gmail.com

Dated: June 22, 2017

/s/ Morgan T. Nickerson

Morgan T. Nickerson